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8. **BEFORE THE**  
**BOARD OF REGISTERED NURSING**  
9. **DEPARTMENT OF CONSUMER AFFAIRS**  
10. **STATE OF CALIFORNIA**

11. In the Matter of the Accusation Against:

Case No. **2010-612**

12. **VICTORIA MARGOT MCBRIDE**  
13. **215 1/2 Bassett Street**  
**Petaluma, CA 94952**

**ACCUSATION**

14. **Registered Nursing license No. 555143**

15. Respondent.

16.  
17. Complainant alleges:  
18.

19. **PARTIES**

20. 1. Louise R. Bailey, M.Ed., RN (Complainant) brings this Accusation solely in her  
21. official capacity as the Interim Executive Officer of the Board of Registered Nursing, Department  
22. of Consumer Affairs.

23. 2. On or about May 19, 1999, the Board of Registered Nursing issued Registered  
24. Nursing license Number 555143 to Victoria Margot McBride (Respondent). The Registered  
25. Nursing license was in full force and effect at all times relevant to the charges brought herein and  
26. will expire on January 31, 2011, unless renewed.  
27.  
28.

## JURISDICTION

3. This Accusation is brought before the Board of Registered Nursing (Board), Department of Consumer Affairs, under the authority of the following laws. All section references are to the Business and Professions Code unless otherwise indicated.

4. Section 2750 of the Business and Professions Code ("Code") provides, in pertinent part, that the Board may discipline any licensee, including a licensee holding a temporary or an inactive license, for any reason provided in Article 3 (commencing with section 2750) of the Nursing Practice Act.

5. Section 2761 of the Code states:

"The board may take disciplinary action against a certified or licensed nurse or deny an application for a certificate or license for any of the following:

"(a) Unprofessional conduct, which includes, but is not limited to, the following:

"(1) Incompetence, or gross negligence in carrying out usual certified or licensed nursing functions.

..."

6. California Code of Regulations, title 16, section 1443, states:

"As used in Section 2761 of the code, 'incompetence' means the lack of possession of or the failure to exercise that degree of learning, skill, care and experience ordinarily possessed and exercised by a competent registered nurse as described in Section 1443.5."

7. California Code of Regulations, title 16, section 1443.5 states:

"A registered nurse shall be considered to be competent when he/she consistently demonstrates the ability to transfer scientific knowledge from social, biological and physical sciences in applying the nursing process, as follows:

"(1) Formulates a nursing diagnosis through observation of the client's physical condition and behavior, and through interpretation of information obtained from the client and others, including the health team.

"(2) Formulates a care plan, in collaboration with the client, which ensures that direct and indirect nursing care services provide for the client's safety, comfort, hygiene, and protection, and

1 for disease prevention and restorative measures.

2 "(3) Performs skills essential to the kind of nursing action to be taken, explains the health  
3 treatment to the client and family and teaches the client and family how to care for the client's  
4 health needs.

5 "(4) Delegates tasks to subordinates based on the legal scopes of practice of the  
6 subordinates and on the preparation and capability needed in the tasks to be delegated, and  
7 effectively supervises nursing care being given by subordinates.

8 "(5) Evaluates the effectiveness of the care plan through observation of the client's physical  
9 condition and behavior, signs and symptoms of illness, and reactions to treatment and through  
10 communication with the client and health team members, and modifies the plan as needed.

11 "(6) Acts as the client's advocate, as circumstances require, by initiating action to improve  
12 health care or to change decisions or activities which are against the interests or wishes of the  
13 client, and by giving the client the opportunity to make informed decisions about health care  
14 before it is provided."

15 8. Section 2764 of the Code provides, in pertinent part, that the expiration of a license  
16 shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the  
17 licensee or to render a decision imposing discipline on the license.

18 9. Section 2811(b) of the Code provides, in pertinent part, that the Board may renew an  
19 expired license at any time within eight years after the expiration.

20 10. Section 118, subdivision (b), of the Code provides that the expiration of a license  
21 shall not deprive the Board of jurisdiction to proceed with a disciplinary action during the period  
22 within which the license may be renewed, restored, reissued or reinstated.

23 11. Section 125.3 of the Code provides, in pertinent part, that the Board may request the  
24 administrative law judge to direct a licentiate found to have committed a violation or violations of  
25 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and  
26 enforcement of the case.

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28 ///

1 FIRST CAUSE FOR DISCIPLINE

2 (INCOMPTETENCE)

3 12. Respondent is subject to disciplinary action under Code section 2761(a), in that she  
4 was incompetent. The circumstances are as follows:

5 13. At all relevant times, Respondent was employed as a registered nurse at Sonoma  
6 Valley Hospital in Sonoma, California. Patient X<sup>1</sup> was a diabetic patient under Respondent's  
7 care. On December 22, 2007, Respondent administered four units of insulin to Patient X as  
8 ordered. Patient X requested additional insulin. In order to placate Patient X, Respondent  
9 administered two units of normal saline under the pretense that it was insulin.

10 SECOND CAUSE FOR DISCIPLINE

11 (UNPROFESSIONAL CONDUCT)

12 14. Respondent is subject to disciplinary action under Code section 2761(a), in that she  
13 acted unprofessionally. The circumstances are as follows:

14 15. At all relevant times, Respondent was employed as a registered nurse at Sonoma  
15 Valley Hospital in Sonoma, California. Patient X was a diabetic patient under Respondent's care.  
16 On December 22, 2007, Respondent administered four units of insulin to Patient X as ordered.  
17 Patient X requested additional insulin. In order to placate Patient X, Respondent administered  
18 two units of normal saline under the pretense that it was insulin.

19 PRAYER

20 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,  
21 and that following the hearing, the Board of Registered Nursing issue a decision:

22 1. Revoking or suspending Registered Nursing license Number 555143, issued to  
23 Victoria Margot McBride;

24 2. Ordering Victoria Margot McBride to pay the Board of Registered Nursing the  
25 reasonable costs of the investigation and enforcement of this case, pursuant to Business and  
26 Professions Code section 125.3;

27 \_\_\_\_\_  
28 <sup>1</sup> The patient's identity is not revealed herein for privacy reasons.

3. Taking such other and further action as deemed necessary and proper.

DATED:

5/27/10

*Louise R. Bailey*

LOUISE R. BAILEY, M.ED., RN  
Interim Executive Officer  
Board of Registered Nursing  
Department of Consumer Affairs  
State of California  
*Complainant*

SF2010200592

1  
2  
3 BEFORE THE  
4 BOARD OF REGISTERED NURSING  
5 DEPARTMENT OF CONSUMER AFFAIRS  
6 STATE OF CALIFORNIA

6 In the Matter of the Statement of )  
7 Issues Against: )

8 VICTORIA MARGOT TALBOT-JONES )  
9 Aka VICTORIA MARGOT McBRIDE )  
10 17264 BUENA VISTA AVENUE )  
11 SONOMA, CA 95476 )

CASE NO. 99-61

OAH NO. N-1998120093

11 APPLICANT/RESPONDENT )  
12 )  
13 )

14 DECISION

15  
16 The attached Proposed Decision of the Administrative Law Judge is hereby  
17 adopted by the Board of Registered Nursing as its Decision in the above-entitled  
18 matter, except that, pursuant to the provisions of Government Code Section  
19 11517(b)(2) the proposed penalty is reduced from three (3) years probation to one  
(1) year probation.

20 This decision shall become effective on May 19, 1999.

21 IT IS SO ORDERED this 19th day of April, 1999.  
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26 President  
27 Board of Registered Nursing

BEFORE THE  
BOARD OF REGISTERED NURSING  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA

In the Matter of the Statement of Issues  
Against:

VICTORIA MARGOT TALBOT-JONES  
aka VICTORIA MARGOT McBRIDE  
17264 Buena Vista Avenue  
Sonoma, CA 95476

Applicant/Respondent.

Case No. 99-61

OAH No. N 1998120093

PROPOSED DECISION

This matter was heard before Nancy L. Rasmussen, Administrative Law Judge, Office of Administrative Hearings, State of California, on January 26, 1999 in Oakland, California.

Kim M. Settles, Deputy Attorney General, appeared on behalf of complainant Ruth Ann Terry, M.P.H., R.N., Executive Officer, Board of Registered Nursing ("Board"), Department of Consumer Affairs, State of California.

Victoria Margot Talbot-Jones, also known as Victoria Margot McBride, ("respondent") appeared and represented herself.

FACTUAL FINDINGS

1. On or about May 8, 1998, the Board received respondent's application for licensure as a registered nurse.
2. Since March 12, 1993, respondent has been licensed as a psychiatric technician by the Board of Vocational Nursing and Psychiatric Technicians. Pursuant to a stipulated decision in case number T-786 effective June 16, 1996, respondent's psychiatric technician license was revoked, with the revocation stayed on three years' probation. Respondent's petition for early termination of probation was granted effective January 10, 1999, and her license has now been fully restored.

3. Disciplinary action was taken under Business and Professions Code section 4521(i) (use of excessive force upon or mistreatment or abuse of patient). This arose out of an incident that occurred on June 6, 1994, when respondent was on duty as a psychiatric technician at the Sonoma Developmental Center ("SDC"). K.H., a developmentally disabled adult client assigned to respondent that night, did not like to go to bed and would continually appear at the nursing station and be ordered back to her room. Respondent felt conflicted because she thought the client had the right to stay up, but a more experienced colleague advised her that K.H. should go to bed. Feeling stressed and confused after being told, "Why can't you keep your client in her room," respondent was in K.H.'s room with her when she needed her diaper changed. Before respondent had finished cleaning her and changing her diaper, which was full of diarrhea, K.H. jumped up to try to return to the nursing station. Respondent reflexively swatted the client on the thigh to keep her from leaving. After cleaning K.H. and getting a new diaper on her, respondent immediately reported the incident to her supervisor.

4. After investigating the incident, SDC took adverse action against respondent, reducing her salary by 10% for six months. She was transferred to a different unit, one that was more nursing related rather than behavioral. Since the incident with K.H., respondent has worked with difficult clients, but she has never again lost control or mistreated a client.

5. In September 1995, respondent started nursing school at Pacific Union College in Angwin and switched from full-time to permanent intermittent employment status at SDC. She graduated with an associate degree in nursing in March 1998.

6. Respondent now works about 30 to 40 hours a week at SDC. As a permanent intermittent employee, she can be sent to any unit needing additional staff. SDC Staffing Services Coordinator Christopher Zombres, who testified on respondent's behalf, is familiar with her performance because he reviews her daily evaluations from the units to which she is assigned. In his opinion, she is a very caring staff person with excellent clinical skills who always advocates for her clients. Bonnie Stewart, a unit supervisor at SDC, also testified on respondent's behalf. During the past three years, respondent has been called to three different units where Stewart was assigned. These units were mostly complete care skilled nursing units. Stewart has received universally positive feedback from her staff on respondent's performance of her duties and has personally observed respondent providing excellent care to clients. The laudatory comments of Stewart and Zombres about respondent are echoed in a letter from co-worker Jolane Schneider. Schneider describes respondent as "a pleasant, well-organized, and very competent professional" and "a very caring individual who treats our clients with respect and compassion" who is "well-liked and respected by our staff."

7. Respondent also works as a psychiatric technician through the STAT Nursing Services registry. She has received positive performance evaluations in her registry assignments.



8. Respondent has not yet taken the licensing examination for registered nursing. After receiving the Board's denial letter in June 1998, she decided to wait on the outcome of her appeal before taking the examination.

9. If she becomes licensed as a registered nurse, respondent plans to continue working at SDC for the next year or two. After that, she might move to another location in Northern California. She is interested in orthopedics and cardiology, and has thought about going back to school to get a bachelor's degree in nursing.

### LEGAL CONCLUSIONS

1. Cause to deny the license application exists under Business and Professions Code sections 480(a)(3) (commission of an act for which a registered nurse licensee could be disciplined) and 2761(a) (unprofessional conduct) by reason of respondent's mistreatment of K.H. on June 6, 1994.

2. Cause to deny the license application exists under Business and Professions Code section 2761(a)(4) by reason of the disciplinary action against respondent's psychiatric technician license.

3. While the incident with K.H. represented a serious departure from professional standards, respondent immediately recognized it as such and took responsibility for her actions by self-reporting the matter. She learned from her mistake and has avoided any repetition of such misconduct in the four and a half years since. By all accounts, respondent is a competent and caring psychiatric technician. The Board of Vocational Nursing and Psychiatric Technicians apparently feels that respondent presents no further risk to her clients, since it granted her petition for early termination of probation. It would not be contrary to the public interest to grant respondent a probationary license as a registered nurse.

### ORDER

The application of respondent Victoria Margot Talbot-Jones, also known as Victoria Margot McBride, for licensure as a registered nurse is hereby granted. Upon successful completion of the licensure examination and all other licensing requirements, a license shall be issued to respondent. Said license shall immediately be revoked, the order of revocation stayed and respondent placed on probation for a period of three (3) years on the following terms and conditions:

- (1) Respondent shall obey all federal, state and local laws, and all rules, and regulations of the Board of Registered Nursing governing the practice of nursing in California. A full and detailed account of any and all violations of law shall be reported by respondent to the Board in writing

within 72 hours of occurrence. To permit monitoring of compliance with this term, respondent shall submit completed fingerprint cards and fingerprint fees within 45 days of the effective date of the decision, unless previously submitted as part of the licensure application process.

- (2) Respondent shall fully comply with the terms and conditions of the Probation Program established by the Board and cooperate with representatives of the Board in its monitoring and investigation of respondent's compliance with the Program. Respondent shall inform the Board in writing within no more than 15 days of any address change and shall at all times maintain an active, current license status with the Board, including during any period of suspension.
- (3) Respondent, during the period of probation, shall appear in person at interviews/meetings as directed by the Board or its designated representatives.
- (4) Periods of residency or practice outside of California will not apply to the reduction of this probationary term. Respondent must provide written notice to the Board within 15 days of any change of residency or practice outside the state.
- (5) Respondent, during the period of probation, shall submit such written reports/declarations and verification of actions under penalty of perjury as are required. These declarations shall contain statements relative to respondent's compliance with all the terms and conditions of the Board's Probation Program. Respondent shall immediately execute all release of information forms as may be required by the Board or its representatives.
- (6) Respondent, during the period of probation, shall engage in the practice of professional nursing in California for a minimum of 24 hours per week (or as determined by the Board) for 6 consecutive months. Per Section 2732 of the Business and Professions Code, no person shall engage in the practice of registered nursing without holding a license which is in an active status.
- (7) The Board shall be informed of and approve of each agency for which respondent provides nursing services prior to respondent's commencement of work. Respondent shall inform her employer of the reason for and the terms and conditions of probation and shall provide a copy of the Board's decision and order to her employer and immediate supervisor. The employer shall submit performance evaluations and other reports as requested by the Board. Respondent is also required to

notify the Board in writing within 72 hours after termination of any nursing employment. Any notification of termination shall contain a full explanation of the circumstances surrounding it.

- (8) The Board shall be informed of and approve of the level of supervision provided to respondent while she is functioning as a registered nurse. The appropriate level of supervision must be approved by the Board prior to commencement of work. Respondent shall practice only under the direct supervision of a registered nurse in good standing (no current discipline) with the Board of Registered Nursing.
- (9) Respondent may not work for a nurse registry; temporary nurse agency; home care agency; in-house nursing pool; as a nursing supervisor; as a faculty member in an approved school of nursing; or as an instructor in a Board approved continuing education program. Respondent must work only on regularly assigned, identified and predetermined worksite(s) with appropriate supervision as approved by the Board.
- (10) If respondent violates the conditions of probation, the Board after giving her notice and an opportunity to be heard, may set aside the stay order and impose the stayed discipline (revocation/suspension) of respondent's license.

If during the period of probation, an accusation or petition to revoke probation has been filed against respondent's license or the Attorney General's Office has been requested to prepare an accusation or petition to revoke probation against respondent's license, the probationary period shall automatically be extended and shall not expire until the accusation or petition has been acted upon by the Board. Upon successful completion of probation, respondent's license will be fully restored.

DATED: February 8, 1999

Nancy L. Rasmussen  
NANCY L. RASMUSSEN  
Administrative Law Judge  
Office of Administrative Hearings

1 DANIEL E. LUNGREN, Attorney General  
of the State of California  
2 KIM M. SETTLES, State Bar No. 116945  
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4 Telephone: (510) 286-4144  
5 Attorneys for Complainant

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8 BEFORE THE  
BOARD OF REGISTERED NURSING  
9 DEPARTMENT OF CONSUMER AFFAIRS  
10 STATE OF CALIFORNIA

11 In the Matter of the Statement of ) NO. 99-61  
Issues Against: )  
12 )  
VICTORIA MARGOT TALBOT-JONES ) STATEMENT OF ISSUES  
13 aka VICTORIA MARGOT McBRIDE )  
17264 Buena Vista Avenue )  
14 Sonoma, California 95476 )  
15 Applicant/Respondent. )

16  
17 Ruth Ann Terry, M.P.H., R.N., as causes for denial of  
18 the application of Victoria Margot Talbot-Jones, also known as  
19 Victoria Margot McBride, for licensure as a registered nurse,  
20 alleges:

21 1. Complainant Ruth Ann Terry, M.P.H., R.N., makes  
22 and files this statement of issues in her official capacity as  
23 Executive Officer, Board of Registered Nursing, Department of  
24 Consumer Affairs, State of California.

25 2. Under Business and Professions Code section 2736,  
26 the Board of Registered Nursing may deny a license when it finds

27 / / /

1 that the applicant has committed any acts constituting grounds  
2 for denial of licensure under section 480 of that code.

3           3. Under Business and Professions Code section 480,  
4 the Board of Registered Nursing may deny a license when it finds  
5 that the applicant has committed any act which if done by a  
6 licentiate would be grounds for suspension or revocation of the  
7 license.

8                           APPLICATION

9           4. On or about May 15, 1998, the Board of Registered  
10 Nursing received an application for licensure as a registered  
11 nurse from Victoria Margot Talbot-Jones, also known as Victoria  
12 Margot McBride (respondent). On or about March 20, 1998,  
13 respondent certified under penalty of perjury that the  
14 information contained in the application was true and correct.

15                           PRIOR DISCIPLINE

16           5. On or about March 12, 1993, the Board of  
17 Vocational Nurse and Psychiatric Technicians issued psychiatric  
18 technician license number PT 28456 to respondent. Effective June  
19 16, 1996, the Board of Vocational Nurse and Psychiatric  
20 Technicians revoked respondent's psychiatric technician license  
21 number PT 28456, then stayed the revocation and placed respondent  
22 on probation for three years, under terms and conditions, in  
23 proceeding number T-786, for violating Business and Professions  
24 Code section 4521(i). Respondent has been in compliance at all  
25 times while on probation.

26           6. The circumstances surrounding the disciplinary  
27 action were that on or about June 6, 1994, at 10:40 p.m., while

1 on duty as a psychiatric technician at Sonoma Developmental  
2 Center in Eldridge, California, respondent slapped patient K.H.,  
3 a developmentally disabled adult, on the right thigh. Respondent  
4 self-reported the incident to her supervisor immediately  
5 thereafter.

6 GROUND FOR DENIAL

7 7. Grounds exist to deny respondent's application  
8 under Business and Professions Code section 480(a)(3) in that  
9 respondent committed an act, as set forth in paragraphs 5 and 6,  
10 which, if done by a licensee, would be grounds for suspension  
11 or revocation of license under Business and Professions Code  
12 sections 2761(a) and 2761(a)(4) on the grounds of unprofessional  
13 conduct.

14 8. Grounds exist to deny respondent's application  
15 under Business and Professions Code section 2761(a)(4) on the  
16 grounds of unprofessional conduct in that on or about June 16,  
17 1996, the Board of Vocational Nurse and Psychiatric Technicians  
18 revoked respondent's psychiatric technician license number  
19 PT 28456, then stayed the revocation and placed respondent on  
20 probation for three years, under terms and conditions, in  
21 proceeding number T-786.

22 9. Grounds exist to deny respondent's application  
23 under Business and Professions Code section 2761(a) on the  
24 grounds of unprofessional conduct, as set forth in paragraph 6.

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1           WHEREFORE, complainant prays that a hearing be held and  
2 that if the allegations set forth herein, or any of them are  
3 found to be true, that the application of Victoria Margot Talbot-  
4 Jones, also known as Victoria Margot McBride, for licensure as a  
5 registered nurse be denied.

6  
7           DATED: 10/28/98

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9  
10                                 Ruth Ann Terry  
11                                 RUTH ANN TERRY, M.P.H., R.N.  
12                                 Executive Officer  
13                                 Board of Registered Nursing  
14                                 Department of Consumer Affairs  
15                                 State of California

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26                                 Complainant

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OAH NO. N-1998120093

The attached Proposed Decision of the Administrative Law Judge is hereby adopted by the Board of Registered Nursing as its Decision in the above-entitled matter, except that, pursuant to the provisions of Government Code Section 11517(b)(2) the proposed penalty is reduced from three (3) years probation to one (1) year probation.

This decision shall become effective on May 19, 1999.

IT IS SO ORDERED this 19th day of April, 1999.

May Jo Gurn Moore

President  
Board of Registered Nursing